

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAGHEED AKRAWI,

Petitioner,

v.

Case No. 1:97-CV-10417

LUELLA BURKE,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR RELIEF FROM THE ORDER OF DISMISSAL
AND DENYING PETITIONER'S MOTION TO CONSOLIDATE**

This matter is pending before the court on Petitioner Ragheed Akrawi's motion for relief from the order of dismissal in this case and Petitioner's motion to consolidate this case with *Akrawi v. Burke*, Case Number 2:05-CV-74518 (E.D. Mich.). Petitioner initiated this action in 1997 by filing a petition for the writ of habeas corpus under 28 U.S.C. § 2254. His former attorney subsequently stipulated to dismiss the case without prejudice so that Petitioner could exhaust state remedies for one or more of his claims. On September 15, 1998, the court dismissed the habeas petition without prejudice pursuant to the parties' stipulation.

On November 29, 2005, Petitioner filed another habeas corpus petition challenging the same state court conviction. Respondent argued in an answer to the habeas petition that Petitioner's 2005 case was barred from substantive review by the statute of limitations. See 28 U.S.C. § 2244(d).

Petitioner now seeks relief from the stipulated order of dismissal in this case. He asserts that his former attorney should have stipulated to stay this case while he pursued state remedies. Petitioner also seeks to consolidate this case with his 2005 case. It is obvious to the court that he is attempting to avoid having his 2005 case declared barred from substantive review by the one-year statute of limitations.

The court recently denied Petitioner's 2005 habeas petition on the merits. The court declined to analyze whether Petitioner had complied with the statute of limitations. Therefore, it is unnecessary to vacate the order of dismissal in this case or to consolidate this case with Case Number 2:05-CV-74518. Accordingly,

IT IS ORDERED that Petitioner's motion for relief from the order of dismissal [Dkt. # 15] and his motion to consolidate this case with 2:05-CV-74518 [Dkt. # 16] are DENIED as moot.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 10, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 10, 2007, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522